Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

#### THE STATE OF UTAH

## TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

This Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Amended Acknowledgment and Amended Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Beaver County known as YELLOW MOUNTAIN ROAD; County Road Number: B-230; State Geographic Information Database (SGID) Road Identification Number: RD010094.

This document supplements and supports the information contained in the document first recorded at Ent 232912, Bk 409, Beg Pg 145, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on February 15, 2008 at Ent 235819, Bk 418, Beg Pg 567. A legal description is attached hereto as Exhibit B.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 4 day of 100 day of 100 day.

By the Governor's Designee

John Harja

Ent 237023 Bk 424 Pg 2 Date: 02-JUL-2008 1:5 Fee: Mone Filed By: CP

BRUCE BROWN, Recorder BEAVER COUNTY CORPORATION For: STATE OF UTAH

CERTIFICATION

State of Utah )

: SS

County of Salt Lake

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this

day of

200 8

Notary Public
DEBORAH MONTGOMERY

S110 State Office Bldg, PO Box 142477
Salt Lake City, Utah 84114
My Commission Expires
April 24, 2012
State of Utah

Notary Public

# Exhibit A

# AFFIDAVIT OF DEAN CARTER YELLOW MOUNTAIN ROAD

# BEAVER COUNTY, UTAH

#### **ROAD NUMBER B-230**

State of Utah	)
	: ss.
County of Beaver	)

DEAN CARTER, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Minersville, Beaver County, Utah. I have lived in
  Beaver County my entire life.
- 2. I have traveled and am familiar with a road in Beaver County known as Yellow Mountain Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1942, it followed the same route as in 2007 when I last observed it.

  Attached is a Beaver County map showing Yellow Mountain Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1942 and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by means of trucks and cars. Throughout the time period from 1942 to 1976 the road was used daily and is presently used daily.
- Throughout the time period from 1942 to 2007, I have used the road myself for livestock operations, farming and hunting.

- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus traveling in and through the area, residential access, recreation and sightseeing.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I observed graders performing maintenance and construction activities on the road.

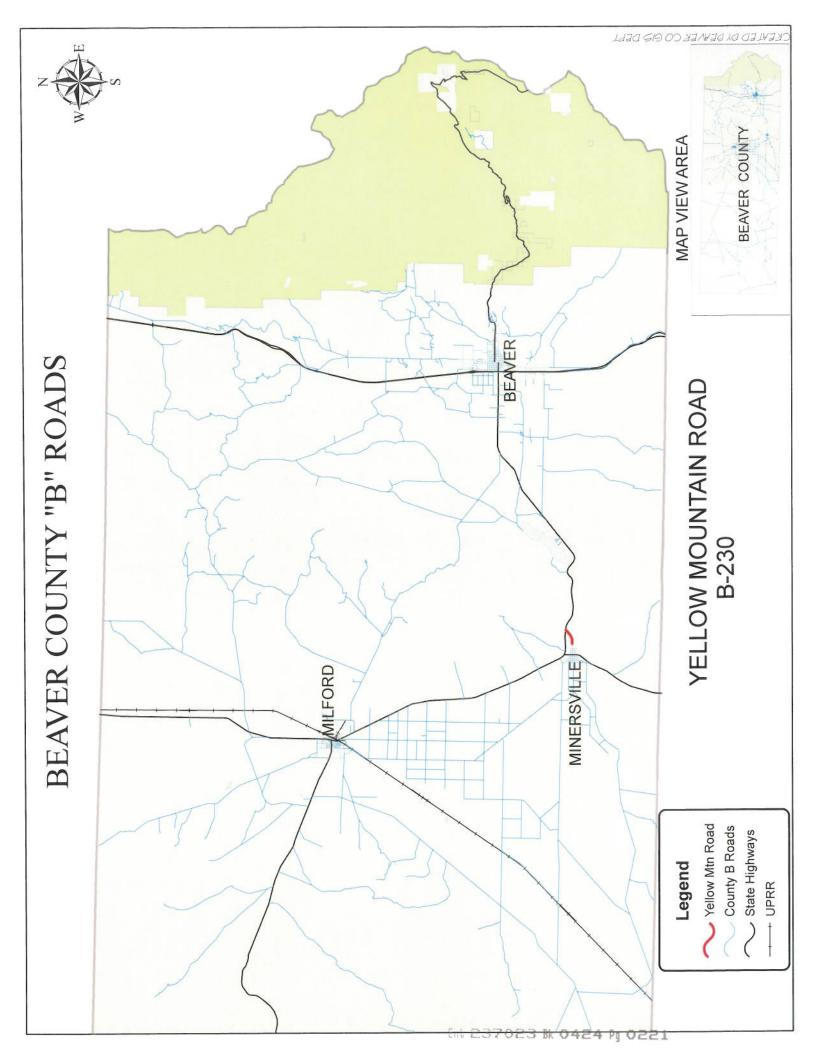
DATED this <u>31</u> day of January, 2007.

DEAN CARTER

SUBSCRIBED AND SWORN to before me this 31th day of January, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bildg.
Salf Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



#### AFFIDAVIT OF RUSSELL MAYER

## YELLOW MOUNTAIN ROAD

## BEAVER COUNTY, UTAH

#### **ROAD NUMBER B-230**

State of Utah	)	
	: ss.	
County of Beaver	)	

RUSSELL MAYER, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Milford, Beaver County, Utah. I have lived in
  Beaver County since 1948.
- 2. I have traveled and am familiar with a road in Beaver County known as Yellow Mountain Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1948, it followed the same route as in 2007 when I last observed it.

  Attached is a Beaver County map showing Yellow Mountain Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1948 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by means of cars, trucks and trailers. Throughout the time period from 1948 to 2007 the road was used daily.
- 5. Throughout the time period from 1948 to 2007, I have used the road myself for travel in and through the area, residential access and farming.
  - 6. Throughout the time period described in the previous paragraph, I have observed

other vehicles from the general public using the road at various times for the uses described in the previous paragraph. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1948 and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the paved surface of the road.

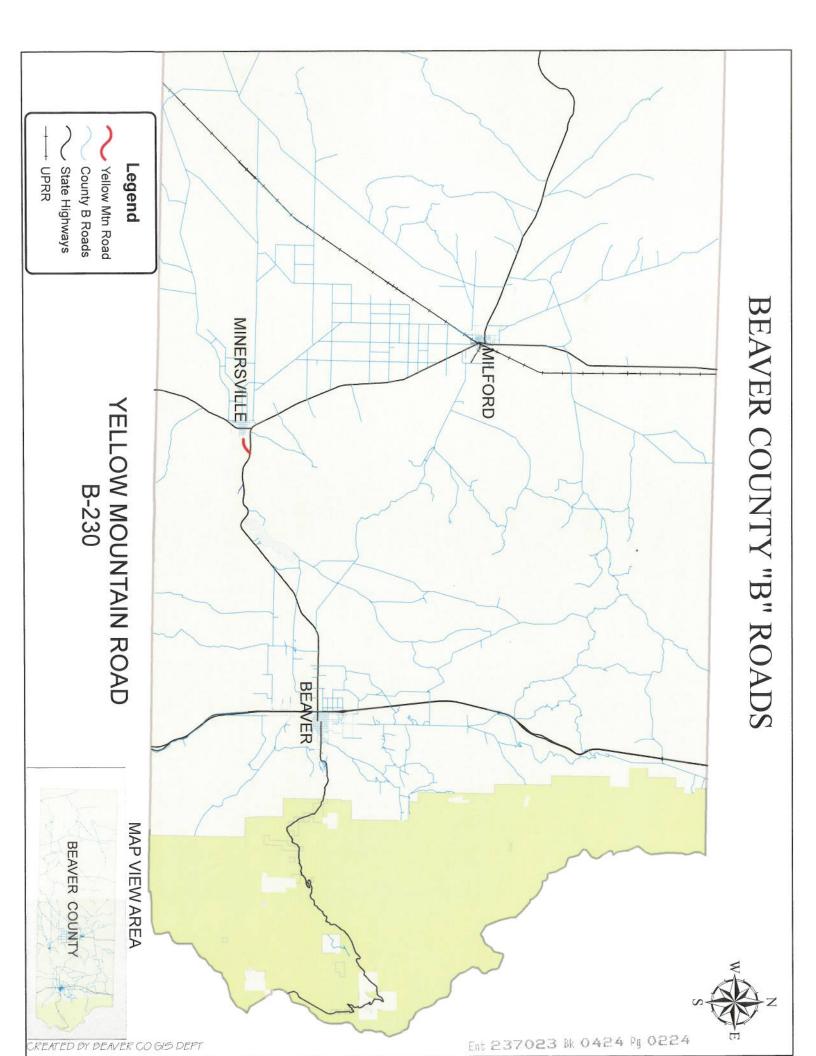
DATED this 30 day of January, 2007.

RUSSELL MAYER

SUBSCRIBED AND SWORN to before me this 30th day of January, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bidg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



#### Exhibit B

# Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: YELLOW MOUNTAIN ROAD

County: Beaver

County Road Number: B-230

State Geographic Information Database (SGID) Road Identification Number: RD010094.

Total Road Length: 0.83 miles more or less.

**Beginning at a point** on the road centerline located at 38 degrees 12 minutes 51.34 seconds North Latitude and -112 degrees 54 minutes 47.86 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,234,367.8 feet and Y = 10,409,087.6 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 13 minutes 09.64 seconds North Latitude and -112 degrees 54 minutes 0.8 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,238,151.0 feet and Y = 10,410,882.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 30 South Range 9 West, Section(s) 7, Salt Lake Base & Meridian